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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,934	04/17/2006	Eduardo Ruiz	007671.00001	3058
22910 7590 06/29/2010 BANNER & WITCOFF, LTD. 28 STATE STREET SUITE 1800 BOSTON, MA 02109-1701			EXAMINER EWALD, MARIA VERONICA	
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			1791	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



### Office Action Summary

**Application No.**

10/561,934

**Applicant(s)**

RUIZ ET AL.

**Examiner**

MARIA VERONICA D. EWALD

**Art Unit**

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 April 2010.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-16,18-31,45,70,71 and 76-98 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 83,84,90 and 91 is/are allowed.  
6) ☒ Claim(s) 1,2,4-16,18-31,45,70,71,76-82,85-89 and 92-98 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 22 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-846)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_



**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 7, 12 – 15, 19 – 20, 26 – 28, 45, 70 – 71, 78 – 80, 85 – 88 and 92 – 98 are rejected under 35 U.S.C. 102(b) as being anticipated by Leoni, et al. (U.S. 5,152,949). Leoni, et al. teach a mold assembly for generating a composite part from a strengthener in a generally solid phase and a matrix in a generally liquid phase; said mold assembly comprising: a base mold including a strengthener chamber for receiving the strengthener (item 14 – figure 1), a matrix injection inlet for injecting the matrix in said strengthener chamber (item 26 – figure 1) and an evacuation outlet (item 28 – figure 1), said inlet and said outlet defining a propagation direction (column 5, lines 15 – 20 and 27 – 31); a cover mold including a compression chamber defining a compression wall and (item 38 – figure 1) and a fluid control aperture for injecting a controlling fluid in said compression chamber (item 24 – figure 1); said cover mold being so configured as to be sealingly mounted on said base mold whereby said strengthener chamber and said compression chamber are adjacent (figure 1); and a deformable member defining the boundary between said strengthener chamber and said compression chamber (item 36 – figure 1), said deformable member being so



configured as to pressurize the matrix toward the strengthener and propagate the matrix along said propagation direction upon compression exerted on said deformable member by the controlling fluid (figure 1; column 7, lines 55 – 68; column 10, lines 5 – 50), wherein said compression wall provides a physical obstacle to a deflection of said deformable member as the matrix is injected into said strengthener chamber; wherein said matrix injection inlet includes a diffusion passage provided on a contact wall of said strengthener chamber (figure 1); wherein said evacuation outlet is connectable to a vacuum source to selectively generate at least a partial vacuum in said strengthener chamber (column 10, lines 5 – 10); and wherein said fluid control aperture is connectable to a fluid source to generate pressure in said compression chamber (column 9, lines 53 – 62).

With respect to claims 12 – 15 and 19 – 20, Leoni, et al. further teach that said gap (defined by the strengthener chamber and compression chamber has a non-uniform thickness because of the pressure exerted on the bladder, such that the introduction of a vacuum between the bladder 36 and cauls 32 evacuates gas between the two layers, thereby the thickness of the gap will ultimately vary (figure1; column 9, lines 40 – 50); wherein said compression chamber has a first thickness, said strengthener chamber has a second thickness, said first and second thickness being variable upon deformation of said deformable member (column 9, lines 65 – 68; column 10, lines 15 – 25); wherein said membrane is impermeable to liquid (column 7, lines 45 – 68); wherein said strengthener chamber comprises a contact wall for locating the strengthener, said contact wall having a controlled surface finish (figure 1; column 5,



lines 20 – 24); and wherein said base mold and said cover mold are rigid (figure 1; column 5, lines 13 – 15).

With respect to claims 26 – 28, 70 and 71, the reference also teaches that the said deformable member includes an elastic material being provided in at least a portion of said compression chamber and adjacent to said strengthener chamber (figure 1; column 5, lines 34 – 50); wherein said cover mold includes compartmentalized portions so configured as to independently move with respect to one another toward and away from said strengthener chamber for providing a gap of variable thickness (figure 1; column 10, lines 15 – 50); wherein said mold assembly further includes a tube provided in said compression chamber and adjacent to said strengthener chamber, said tube being connected to a pressure source and deformable under pressure generated from the pressure source, said tube including at least one extremity mounted through said cover mold for controlling the pressure in said tube (item 24 – figure 1; column 9, lines 55 – 60); wherein said deformable member is able to be swollen in said compression chamber from the matrix permeating the strengthener to generate a deformation zone, said deformable member receiving pressure from the controlling fluid in proximity of said deformation zone for redirecting the matrix towards the strengthener (column 10, lines 15 – 25); wherein said deformation zone is adjacent to a matrix flow front corresponding to a portion of the strengthener impregnated by the matrix, said matrix flow front propagating in the strengthener along said propagation direction as the matrix in said deformation zone is redirected to the strengthener (figure 1).



With respect to claim 45, Leoni, et al. teach a mold assembly for generating a composite part from a strengthener and a matrix; said mold assembly comprising: a base mold including a strengthener chamber for receiving the strengthener (item 14 – figure 1) and a matrix injection inlet for injecting the matrix in said strengthener chamber (item 26 – figure 1) and an evacuation outlet (item 28 – figure 1), said inlet and said outlet defining a propagation direction; a cover mold including a compression chamber defining a compression wall (item 38 – figure 1) and a fluid control aperture for injecting a controlling fluid in said compression chamber (item 24 – figure 1); said cover mold being so configured as to be sealingly mounted on said base mold whereby said strengthener chamber and said compression chamber are adjacent (figure 1); and a deformable membrane member provided in a gap defined by said strengthener chamber and said compression chamber (item 36 – figure 1), said deformable member generating a deformation zone in said compression chamber from a portion of the matrix permeating the strengthener, said deformable member being pressurized by the controlling fluid in proximity of said deformation zone for redirecting the portion of matrix generating said deformation zone back to the strengthener and for propagating the matrix along said propagation direction (column 10, lines 1 – 50); wherein said compression wall provides a physical obstacle to a deflection of said deformable member as the matrix is injected into said strengthener chamber.

With respect to claims 78 – 80 and 85 – 88, Leoni, et al. also teach that the controlling fluid is an incompressible fluid (column 9, lines 55 – 60); wherein the deformable member is further configured to contact said compression wall as the matrix



propagates along said propagation direction; and wherein said deformable member is configured to contact said compression wall to thereby form a first pressure region in said compression chamber and a second pressure region in said compression chamber, wherein the first pressure region is upstream of the second pressure region, and wherein a first pressure in the first pressure region is greater than a second pressure in the second pressure region; and wherein said fluid control aperture for injecting said controlling fluid is located in the vicinity of said matrix injection inlet for injecting the matrix (figure 1).

With respect to claims 92 – 96, the reference teaches a mold assembly for generating a composite part from a strengthener and a matrix, said mold assembly comprising: a base mold and a cover mold defining therebetween a mold cavity including a strengthener chamber (item 14 – figure 1) and a compression chamber (item 38 – figure 1), said strengthener chamber configured to receive a strengthener and a matrix, said compression chamber configured to receive a controlling fluid, said cover mold including a compression wall (item 20 – figure 1); and a deformable member, wherein said deformable member defines a boundary between said strengthener chamber and said compression chamber (item 36 – figure 1), wherein said compression wall provides a physical obstacle to a deflection of said deformable member when said controlling fluid is injected into said compression chamber; a matrix injection inlet for injecting the matrix into said strengthener chamber (item 26 – figure 1) and an evacuation outlet (item 28 – figure 1), said inlet and said outlet defining a propagation direction, wherein said compression chamber has a thickness defined between said



deformable member and said compression wall, and wherein, prior to the matrix being injected into said strengthener chamber, said compression chamber has a substantially uniform thickness along the propagation direction (figure 1); wherein said mold cavity has a non-uniform thickness along the propagation direction (figure 1, note that the presence of the cauls and lay-up cause the mold cavity to have a non-uniform thickness); wherein said strengthener chamber has a thickness and wherein, prior to matrix being injected into said strengthener chamber, the thickness of the strengthener chamber is non-uniform along the propagation direction (figure 1, note again, here that the presence of the cauls and lay-up cause the strengthener chamber to have a non-uniform thickness); wherein said compression wall is configured to limit the deflection of the deformable member a substantially uniform amount along the propagation direction.

In addition, with respect to claims 97 – 98, Leoni, et al. also teach a mold assembly for generating a composite part from a strengthener and a matrix, said mold assembly comprising: a base mold and a cover mold defining therebetween a mold cavity including a strengthener chamber (item 14 – figure 1) and a compression chamber (item 38 – figure 1), said strengthener chamber configured to receive a strengthener and a matrix, said compression chamber configured to receive a controlling fluid, said cover mold including a rigid compression wall (item 20 – figure 1); a matrix injection inlet for injecting the matrix into said strengthener chamber (item 26 – figure 1) and an evacuation outlet, said inlet and said outlet defining a propagation direction (item 28 – figure 1); and a deformable member, wherein said deformable member defines a boundary between said strengthener chamber and said compression



chamber (item 36 – figure 1); wherein said compression chamber has a thickness defined between said deformable member and said rigid compression wall, and wherein, prior to the matrix being injected into said strengthener chamber, said compression chamber has a substantially uniform thickness along the propagation direction (figure 1), and wherein said mold cavity has a non-uniform thickness along the propagation direction (figure 1); and wherein said rigid compression wall provides a physical obstacle to a deflection of said deformable member when said controlling fluid is injected into said compression chamber

The Examiner notes that newly-amended claims 1 and 45 (and new claims 92 and 98) claim that the compression wall provides a "physical obstacle" to a deflection of said deformable member as the matrix is injected into said strengthener chamber *and/or when said controlling fluid is injected into said compression chamber*. Furthermore, new claim 96 states that the compression wall is configured to limit the deflection of the deformable member a substantially uniform amount along the propagation direction. The Examiner contends that the apparatus of Leoni, et al. is fully capable of performing as such because as resin is injected into the plenum or space 52, a large enough quantity of resin may be injected which deforms or deflects the bladder 36 away from the mold walls and upwards to actually contact the cover mold wall or compression wall. Furthermore, if the bladder reaches the mold walls, and then the compression chamber is pressurized, the compression wall still provides *or is capable of acting as a physical obstacle to the deformable member*. Even though Leoni, et al. may teach that the



compression chamber is pressurized to force the bladder down towards the cauls, the bladder is capable of deflecting towards the compression wall, and thus, at the point when the compression chamber is pressurized, the wall provides the physical obstacle to the bladder and furthermore, the wall is capable of limiting the deflection of the wall a uniform amount.

In addition, though Leoni, et al. teach a method whereby the apparatus is operated which may differ from the intended use as claimed, the deformable member is capable of deflection upwards to the point where the compression wall of the cover mold ceases the deformable member from any further movement. Therefore, the Examiner contends that the apparatus of Leoni, et al. is fully capable of operating as claimed.

The Examiner also notes that claims 79 – 80 and 86 – 87 claim the movement of the deformable member or the movement of the deformable member as the matrix is injected into the plenum. The Examiner contends that the apparatus of Leoni, et al. is fully capable of performing as such because enough resin can be injected into plenum or space 52 to cause the deformable member or bladder 36 to deflect upwards and contact the compression wall, such that two pressure zones are created, whereby the closest pressure zone to the resin inlet is greater than that furthest from the resin inlet.

Claims 1, 2, 4, 7 – 15, 18 – 19, 21 – 23, 25 – 28, 45, 70 – 71, 76 – 80, 82, 85 – 89, 92 – 93 and 97 – 98 are rejected under 35 U.S.C. 102(b) as being anticipated by Cartwright (U.S. 6,506,325). Cartwright teaches a mold assembly for generating a



composite part from a strengthener in a generally solid phase and a matrix in a generally liquid phase; said mold assembly comprising: a base mold including a strengthener chamber for receiving the strengthener (item 210 – figure 2), a matrix injection inlet for injecting the matrix in said strengthener chamber (item 220 – figure 2) and an evacuation outlet (item 216 – figure 2), said inlet and said outlet defining a propagation direction (figure 2); a cover mold including a compression chamber defining a compression wall (area between items 214 and 215 – figure 2) and a fluid control aperture for injecting a controlling fluid in said compression chamber (item 232 – figure 2); said cover mold configured to be sealingly mounted to said base mold whereby said strengthener chamber and said compression chamber are adjacent ; and a deformable member defining the boundary between said strengthener chamber and said compression chamber, said deformable member being so configured as to pressurize the matrix toward the strengthener and propagate the matrix along said propagation direction upon compression exerted on said deformable member by the controlling fluid (item 214 – figure 2; column 5, lines 30 – 35), wherein said compression wall provides a physical obstacle to a deflection of said deformable member as the matrix is injected into said strengthener chamber; wherein said matrix injection inlet includes a diffusion passage provided on a contact wall of said strengthener chamber (figure 2); wherein said evacuation outlet is connectable to a vacuum source to selectively generate at least a partial vacuum in said strengthener chamber (column 5, lines 33 – 38); wherein said fluid control aperture is connectable to a fluid source to generate pressure in said strengthener compression chamber (item 228 – figure 2); wherein said fluid control



aperture extends in said cover mold and said matrix injection inlet extends in said base mold in a generally similar direction (figure 2); wherein said cover mold includes a vent extending from said compression chamber and through said cover mold (item 230 – figure 2; column 5, lines 38 – 43); wherein said vent is connected to a vacuum source to selectively generate at least a partial vacuum in said compression chamber (item 230 – figure 2; column 5, lines 38 – 43); wherein said vent comprises a valve to regulate the flow of the controlling fluid through said vent (figure 2; column 5, lines 38 – 43, 58 – 61); wherein said gap has a variable thickness (column 5, lines 53 – 55); wherein said compression chamber has a first thickness, said strengthener chamber has a second thickness, said first and second thickness being variable upon deformation of said deformable member (column 5, lines 53 – 57); wherein said deformable member includes a membrane sealingly mounted between said strengthener chamber and said compression chamber (item 214 – figure 2); wherein said membrane is impermeable to liquid (column 5, lines 30 – 35).

With respect to claims 18 – 19, 21 – 23 and 25 – 28, Cartwright also teaches that the said mold assembly includes temperature controlling means (column 5, lines 25 – 27); wherein said strengthener chamber comprises a contact wall for locating the strengthener, said contact wall having a controlled surface finish (figure 2; column 3, lines 59 – 67); wherein said deformable member includes a deformable element (item 217 – figure 2) and a membrane (item 214 – figure 2), said membrane being sealingly mounted between said strengthener chamber and said compression chamber, said deformable element being provided in at least a portion of said compression chamber



(figure 2; column 5, lines 45 – 50); wherein a surface of said deformable element is so machined as to be complementary to the shape of the composite part (figure 2); wherein said machined surface of said member includes a series of grooved channels so configured as to receive said membrane (item 217 – figure 2; column 5, lines 45 – 50); wherein said deformable element includes a generally porous and elastic material (column 5, lines 45 – 50); wherein said deformable member includes an elastic material being provided in at least a portion of said compression chamber and adjacent to said strengthener chamber (figure 2); wherein said cover mold includes compartmentalized portions so configured as to independently move with respect to one another toward and away from said strengthener chamber for providing a gap of variable thickness (column 5, lines 35 – 45).

With respect to claims 70 – 71 and 76 – 80 and 82, the reference also teaches that the said deformable member is able to be swollen in said compression chamber from the matrix permeating the strengthener to generate a deformation zone, said deformable member receiving pressure from the controlling fluid in proximity of said deformation zone for redirecting the matrix towards the strengthener (column 5, lines 35 – 45 and 50 – 60); wherein said deformation zone is adjacent to a matrix flow front corresponding to a portion of the strengthener impregnated by the matrix, said matrix flow front propagating in the strengthener along said propagation direction as the matrix in said deformation zone is redirected to the strengthener (figure 2; column 5, lines 50 – 60); wherein said mold assembly includes a porous medium provided in said compression chamber for controlling the propagation of the fluid injected in said



compression chamber (item 217 – figure 2; column 5, lines 45 – 50); wherein said porous medium is made from a generally deformable element (column 5, lines 45 – 50); wherein said controlling fluid is an incompressible fluid (column 5, lines 37 – 40); wherein the deformable member is further configured to contact said compression wall as the matrix propagates along said propagation direction; and wherein said deformable member is configured to contact said compression wall to thereby form a first pressure region in said compression chamber and a second pressure region in said compression chamber, wherein the first pressure region is upstream of the second pressure region, and wherein a first pressure in the first pressure region is greater than a second pressure in the second pressure region; wherein said fluid control aperture for injecting said controlling fluid is located in the vicinity of said matrix injection inlet for injecting the matrix (figure 2); and wherein there is a vent for releasing pressure in said compression chamber, the vent being positioned downstream of said fluid control aperture in said propagation direction (figure 2).

With respect to claims 45 and 85 – 89, Cartwright teaches a mold assembly for generating a composite part from a strengthener and a matrix; said mold assembly comprising: a base mold including a strengthener chamber for receiving the strengthener (item 210 – figure 2) and a matrix injection inlet for injecting the matrix in said strengthener chamber (item 220 – figure 2) and an evacuation outlet (item 218 – figure 2), said inlet and said outlet defining a propagation direction (figure 2); a cover mold including a compression chamber defining a compression wall (area between 214 and 215 – figure 2) and a fluid control aperture for injecting a controlling fluid in said



compression chamber (item 232 – figure 2); said cover mold being so configured as to be sealingly mounted on said base mold whereby said strengthener chamber and said compression chamber are adjacent (figure 2); and a deformable membrane member provided in a gap defined by said strengthener chamber and said compression chamber, said deformable member generating a deformation zone in said compression chamber from a portion of the matrix permeating the strengthener, said deformable member being pressurized by the controlling fluid in proximity of said deformation zone for redirecting the portion of matrix generating said deformation zone back to the strengthener and for propagating the matrix along said propagation direction (column 5, lines 50 – 60); wherein said compression wall provides a physical obstacle to a deflection of said deformable member as the matrix is injected into said strengthener chamber; wherein said controlling fluid is an incompressible fluid (column 5, lines 37 – 40); wherein the deformable member is further configured to contact said compression wall as the matrix propagates along said propagation direction; and wherein said deformable member is configured to contact said compression wall to thereby form a first pressure region in said compression chamber and a second pressure region in said compression chamber, wherein the first pressure region is upstream of the second pressure region, and wherein a first pressure in the first pressure region is greater than a second pressure in the second pressure region; wherein said fluid control aperture for injecting said controlling fluid is located in the vicinity of said matrix injection inlet for injecting the matrix (figure 2); and wherein there is a vent for releasing pressure in said



compression chamber, the vent being positioned downstream of said fluid control aperture in said propagation direction (figure 2).

With respect to claims 92 – 93, Cartwright also teaches a mold assembly for generating a composite part from a strengthener and a matrix, said mold assembly comprising: a base mold and a cover mold defining therebetween a mold cavity including a strengthener chamber (item 210 – figure 2) and a compression chamber (area between items 214 and 215 – figure 2), said strengthener chamber configured to receive a strengthener and a matrix, said compression chamber configured to receive a controlling fluid, said cover mold including a compression wall (figure 2); and a deformable member, wherein said deformable member defines a boundary between said strengthener chamber and said compression chamber (item 214 – figure 2), wherein said compression wall provides a physical obstacle to a deflection of said deformable member when said controlling fluid is injected into said compression chamber; a matrix injection inlet for injecting the matrix into said strengthener chamber (item 220 – figure 2) and an evacuation outlet (item 216 – figure 2), said inlet and said outlet defining a propagation direction, wherein said compression chamber has a thickness defined between said deformable member and said compression wall, and wherein, prior to the matrix being injected into said strengthener chamber, said compression chamber has a substantially uniform thickness along the propagation direction (figure 2).

With respect to claims 97 – 98, the reference also teaches a mold assembly for generating a composite part from a strengthener and a matrix, said mold assembly



comprising: a base mold and a cover mold defining therebetween a mold cavity including a strengthener chamber (item 210 – figure 2) and a compression chamber (area between items 214 and 215 – figure 2), said strengthener chamber configured to receive a strengthener and a matrix, said compression chamber configured to receive a controlling fluid, said cover mold including a rigid compression wall (figure 2); a matrix injection inlet for injecting the matrix into said strengthener chamber (item 220 – figure 2) and an evacuation outlet, said inlet and said outlet defining a propagation direction (item 216 – figure 2); and a deformable member, wherein said deformable member defines a boundary between said strengthener chamber and said compression chamber (item 214 – figure 2); wherein said compression chamber has a thickness defined between said deformable member and said rigid compression wall, and wherein, prior to the matrix being injected into said strengthener chamber, said compression chamber has a substantially uniform thickness along the propagation direction (figure 2), and wherein said mold cavity has a non-uniform thickness along the propagation direction (figure 2); and wherein said rigid compression wall provides a physical obstacle to a deflection of said deformable member when said controlling fluid is injected into said compression chamber.

Cartwright teaches a molding apparatus, wherein a strengthener or reinforcing material is disposed in a base mold. The base mold is covered with a cover mold, comprised of a flexible bag material (item 215 – figure 1). The base mold includes a matrix injection inlet for injecting a resin into the strengthener. The cover mold includes



a "pressurization chamber" which is controlled via a fluid controller to inject a pressurization fluid between a deformable member (item 214 – figure 1) and the cover. The fluid controls the amount of pressure exerted on the composite product, so as to control the amount of resin "infused" or impregnated into the strengthener. Because of the fluid control and the vacuum which is generated, the pressurization chamber and the space within it can be varied, depending on the characteristics desired of the composite part (column 6, lines 33 – 45).

The Examiner notes that newly-amended claims 1 and 45 and (new claims 92 and 98) claim that the compression wall provides a "physical obstacle" to a deflection of said deformable member as the matrix is injected into said strengthener chamber and when said controlling fluid is injected into said compression chamber. The Examiner contends that the apparatus of Cartwright is fully capable of performing as such because as resin is injected into the plenum or space 213, a large enough quantity of resin may be injected which deforms or deflects the member 214 away from the mold walls and upwards to actually contact the cover mold wall or compression wall. Even though Cartwright may teach a method whereby the apparatus is operated which may differ from the intended use as claimed, the deformable member is capable of deflection upwards to the point where the compression wall of the cover mold ceases the deformable member from any further movement. In addition, considering that the space between member 214 and cover 215 begins as an empty space, when resin is injected



into cavity 213, enough resin can deform member 214 to the point that it touches the compression wall 215 (or layer 217, respectively).

The Examiner also notes that newly-added claims 79 – 80 and 86 – 87 claim the movement of the deformable member or the movement of the deformable member as the matrix is injected into the plenum. The Examiner contends that the apparatus of Cartwright is fully capable of performing as such because enough resin can be injected into plenum or space 213 to cause the deformable member 214 to deflect upwards and contact the compression wall, such that two pressure zones are created, whereby the closest pressure zone to the resin inlet is greater than that furthest from the resin inlet.

The Examiner is also noting that Applicant has claimed "temperature controlling means" in claim 18. Based on the specification, the Examiner is not interpreting such claim language as an invocation of 35 U.S.C. 112, 6<sup>th</sup> paragraph because paragraph 0111 of the specification states that the temperature may be controlled by thermal resistors or any other known heating means. Thus, given its broadest reasonable interpretation, as long as a prior art reference includes any type of conventional heating means, such means anticipates the claim as written.

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Leoni, et al. or Cartwright in view of Fritz, et al. (U.S. 6,257,866). Leoni, et al. and Cartwright teach the characteristics previously described but do not teach that the base mold includes a contact wall, peripheral walls and shoulders and wherein the cover mold includes a complementary contact wall, peripheral walls and shoulders, with a ridge and groove arrangement provided along the shoulders of the molds.

This however, is a conventional or known configuration of a mold assembly. For example, in a vacuum mold to form plastic sheets, Fritz, et al. teach a base mold with a contact wall, peripheral walls and shoulders with a pin or projection, which complementary secures to a cover mold with a similar contact wall, peripheral walls and shoulder with a channel. The channel and projection are used to securely clamp the sheet.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to configure the mold assembly of either Leoni, et al. or Cartwright such that it has walls and a ridge/groove pattern like that of Fritz, et al. since such an assembly is known for securing a sheet in a vacuum mold and since such a configuration is known in the art of vacuum molding.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leoni, et al. or Cartwright in view of Fritz, et al. and further in view of Segen, Jr. (U.S. 6,250,909). Leoni, et al., Cartwright and Fritz, et al. teach the characteristics previously described but do not teach that the ridges and grooves are generally triangular in cross-section.



In a method to clamp a sheet in a thermoforming apparatus, Segen, Jr. teach clamping units with a generally triangular cross-section (figure 4a – 4c). The clamping units secure the sheet to the frame before and during thermoforming.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to configure the apparatus of either Leoni, et al. or Cartwright with the mold configuration of Fritz, et al., further configured with the v-shaped ridges and grooves of Segen, Jr. for the purpose of securing the membrane before and during vacuum molding.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leoni, et al. or Cartwright in view of Palmer, et al. (U.S. 4,942,013). Leoni, et al. and Cartwright teach the characteristics previously described but do not teach that the membrane is permeable to gas.

In a vacuum molding apparatus, Palmer, et al. teach the use of multiple membranes or deformable members which contact a chamber wherein a strengthener is impregnated with resin. One of the deformable members is a breather cloth layer. The layer is permeable to gas and allows for an even distribution of pressure and compaction across and along the assembly (column 7, lines 50 – 56).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to configure the apparatus of either Leoni, et al. or Cartwright with the breather layer of Palmer, et al. for the purpose of evenly distributing the



pressure across the assembly, thereby ensuring even compaction as taught by Palmer, et al.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cartwright in view of Gibson (U.S. 5,093,067).

Cartwright teaches the characteristics previously described but do not teach that the deformable element is injected directly into the gap. However, the formation of a diaphragm or elastic member via injection molding is a known process.

For example, Gibson teaches the formation of a flexible diaphragm via the injection of resin material into a gap between two molds (figure 2c).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to configure the apparatus of Cartwright such that the deformable element is injected directly into the gap for ease of production and because it is known to produce flexible diaphragms wherein a resin material is injected into a gap between an upper and lower mold, as taught by Gibson.

Claims 29 – 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leoni, et al. or Cartwright in view of Seemann (U.S. 5,439,635). Leoni, et al. and Cartwright teach the characteristics previously described but do not teach that the cover mold includes a compression wall with a plurality of passages which are disposed longitudinally and transversally or wherein the diffusion passage is generally aligned



with at least one transversal passage and said matrix injection inlet of said base mold is generally aligned with at least one longitudinal passage.

In an apparatus to produce a composite article comprised of reinforcing fibers impregnated with a resin, Seemann teaches that the cover mold or bag is configured with a series of grooves or elongated flow conduits. The flow conduits communicate for fluid flow with a resin distribution pattern (column 5, lines 62 – 68). Thus, any pressure exerted on the bag is evenly distributed along the pattern, thereby ensuring that the resin flows uniformly into the voids of the strengthener (column 3, lines 60 – 65). Because of even distribution of pressure, the strengthener is completely wetted and any bubbles or voids are eliminated (column 1, lines 40 – 50).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to configure the apparatus of either Leoni, et al. or Cartwright with the cover mold of Seemann which includes a grooved surface for the purpose of mimicking the finished outer surface of the product, thereby ensuring that the resin is evenly distributed through the strengthener, eliminating voids and bubbles as taught by Seemann.

Claim 81 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leoni, et al. or Cartwright.

Leoni, et al. and Cartwright teach the characteristics previously described but do not teach that the fluid aperture for injecting said controlling fluid is located closer to said matrix injection inlet than to said evacuation outlet.



The Examiner contends however, that moving the fluid aperture along the exterior of the mold such that it is closer to the matrix injection inlet is well within the level of one of ordinary skill in the art which does not alter the function of the apparatus and thus, would have been obvious. *See In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950) Furthermore, Leoni, et al. even teach that *one or more matrix injection inlets and one or more vents may be utilized (column 5, lines 30 – 33). Thus, the inlets may be shifted or positioned closer to the fluid aperture.*

#### ***Allowable Subject Matter***

15. Claims 83 – 84 and 90 – 91 are allowed for the reasons as noted in the previous office action.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Response to Arguments***

16. Applicant's arguments filed April 14, 2010 have been fully considered but they are not persuasive. Applicant's primary argument is that newly-amended claim(s) 1 and 45 (along with new claims 92 – 98) introduce the limitation which recites that the compression wall provides a physical obstacle to the deflection of the deformable member when said matrix is injected into said strengthener chamber *and when said*



*controlling fluid is injected into said compression chamber (or as recited in new claims 92 and 98, when said controlling fluid is injected into said compression chamber).*

Applicant argues that because the reference of Leoni, et al. and Cartwright teach that the compression chamber(s) are pressurized in order to force the deformable member downwards ensuring infiltration of the resin into the fiber lay-up, the compression wall (or mold wall) does not provide a physical obstacle when the pressurizing fluid is injected into said compression chamber.

The Examiner disagrees. The Examiner contends that the compression wall is still capable of acting as claimed because as the claims as written, merely describe what the compression wall is intended to do or what it is capable of, without distinguishing it either structurally or functionally from the prior art apparatus.

As written, the amended or new claims state "...wherein said compression wall *provides a physical obstacle to a deflection of said deformable member as the matrix is injected into said strengthener chamber and/or when said controlling fluid is injected into said compression chamber.*" What Applicant has claimed in these lines, is the capability of the wall or its intended use. The Examiner still contends that the resin may be injected into the female mold portion (of either the apparatus of Leoni, et al. or Cartwright), such that enough resin allows the deformable member to reach the compression wall or upper mold wall and then, at the point when the compression chamber is pressurized, the compression wall *still provides a physical obstacle to the bladder itself.* The Examiner notes that by stating that the compression wall provides a physical obstacle to a deflection of the deformable member merely means that the



*compression wall is capable of blocking the bladder from moving upwards, but does not specifically mean that the compression wall contacts the bladder or wherein the bladder moves upward to contact the wall.*

In contrast, allowable claims 83 – 84 and 90 – 91, specifically state that the compression chamber and strengthener chamber *are divided into a first pressure region and second pressure region by said deformable member when the matrix is injected into said strengthener chamber and when said controlling fluid is injected into said compression chamber* or wherein said deformable member is configured to contact said compression wall *when said controlling fluid is injected into said compression chamber*. Here, *the Examiner notes that the claims positively recite what the apparatus is doing, and what the bladder is doing, instead of what the compression wall is meant to do.*

With respect to the remaining dependent claims, the Examiner maintains such rejections, because as noted above, the Examiner contends that newly-amended claims 1 and 45, and new claims 92 and 97 – 98 remain anticipated by the prior art references of Leoni, et al. and Cartwright.

### **Conclusion**

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not



mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARIA VERONICA D. EWALD whose telephone number is (571)272-8519. The examiner can normally be reached on M-F, 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



MVE

/Maria Veronica D Ewald/  
Primary Examiner, Art Unit 1791